

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RONALD RENARD THOMAS #20050089846, )  
  )  
   )  
Plaintiff,                                 )  
   )  
   )  
v.   )   No. 06 C 1070  
   )  
   )  
GREGORY LONGMIRE, et al.,                 )  
   )  
   )  
Defendants.                                 )

MEMORANDUM

As directed by this Court's brief November 7, 2006 memorandum order, appointed counsel for plaintiff Ronald Thomas ("Thomas") has filed a response that sets out grounds for rejection of defendants' charge of nonexhaustion of available administrative remedies--a charge that if sustained would call for dismissal under 42 U.S.C. §1997e(a). That submission appears facially correct, and unless defense counsel were to file a persuasive refutation supporting the nonexhaustion claim on or before December 4, 2006, this Court will strike the First Affirmative Defense set out in defendants' Answer to Thomas' Second Amended Complaint.<sup>1</sup>

  
Milton I. Shadur

Milton I. Shadur  
Senior United States District Judge

Date: November 21, 2006

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<sup>1</sup> Indeed, it may well be prudent not to credit the non-exhaustion claim at this time in any event--see 75 U.S.L.W. 3241-43 (U.S. Nov. 7, 2006), reporting the differing views expressed by the Supreme Court Justices during the October 30 oral argument of Jones v. Bock, No. 05-7058 in Williams v. Overton, No. 05-7142.